

Served: March 26, 1992

NTSB Order No. EA-3526

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 19th day of March, 1992

BARRY LAMBERT HARRIS,
Acting Administrator,
Federal Aviation Administration,

Complainant,

SE-11798

v.

LEWIS H. WYNNS,

Respondent.

ORDER DISMISSING APPEAL

The Administrator has moved to dismiss the appeal filed by the respondent in this proceeding because it was not, as required by Section 821.48(a) of the Board's Rules of Practice,¹ perfected by the filing of a timely appeal brief. We will grant the motion, to which respondent filed no response.

¹Section 821.48(a) provides as follows:

"§ 821.48(a) Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."

The record establishes that respondent filed a timely notice of appeal from the oral initial decision the law judge rendered on October 23, 1991.² Respondent did not, however, file an appeal brief within 50 days after that date,³ and he has not undertaken to explain his failure to do so in answer to the motion to dismiss. Dismissal of his appeal is therefore warranted. See Administrator v. Hooper, NTSB Order No. EA-2781 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeal is dismissed.

COUGHLIN, Acting Chairman, LAUBER, KOLSTAD, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²The law judge affirmed an order of the Administrator revoking respondent's medical certificate and suspending his private pilot certificate for 60 days for his alleged violation of Section 67.20(a)(1) of the Federal Aviation Regulations, 14 CFR Part 67.

³On January 17, 1992, respondent, in correspondence apparently intended to serve as an appeal brief, denied, once again, as at the hearing, any intent to give false information on a medical certificate application. However, he did not advance any specific objection concerning the law judge's findings.